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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,762	11/04/2003	Jose A. Jarimba	60410	6330
24230	7590	12/21/2004		
HARSHAW RESEARCH INCORPORATED P O BOX 418 OTTAWA, KS 66067			EXAMINER HUNTER, ALVIN A	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,762	Applicant(s) JARIMBA, JOSE A.	
	Examiner Alvin A. Hunter	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelly (USPN 278341).

Regarding claim 1, Kelly discloses a kit for use in playing a golf game, comprising a play ball; a club having a shaft and a club head coupled to a first end of the shaft for striking the play ball; and a target ball for being positioned a selected distance from the club and adapted to be contacted by the play ball during game play, whereby a player is allowed to strike the play ball using the club until the play ball contacts the target ball (See Figure 1 and Page 1).

Regarding claim 3, Kelly discloses a plurality of play balls, wherein each of the plurality of play balls having a color that is different from any other of the plurality of play balls (See Page 1, lines 78 through 91).

Regarding claim 5, Kelly shows a ball having a plurality of concentric regions (See Figure 1).

Regarding claim 9, Kelly discloses the club head including first and second club faces having a symmetrical configuration so that the club may be used by right or left handed players (See Figure 1).

Regarding claim 12, Kelly discloses a kit for use in playing a golf and soccer-like game, comprising: a play ball; a club having a shaft and a club head axially coupled to a first end of said shaft, said club head including a club face portion having a pair of opposed symmetrically configured club faces for striking said play ball; means for selectively rotating said club head to a desired club face configuration in which means for rotating is the user's hand; a target ball for being positioned a selected distance from said club and adapted to be contacted by said play ball when said play ball is struck during game play.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (USPN 278341) in view of Obligio (USPN 4799666).

Regarding claim 2, Kelly does not disclose the target ball being larger in diameter than the playball. Obligio discloses a game in which balls collided having a plurality of ball wherein the ball are throw against a larger ball wherein the larger ball is the target 9See Column 5, lines 52 through 26). One having ordinary skill in the art would have found it obvious to have the target ball larger than the playball in order to increase the amusement of the game.

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3. Claims 7, 8, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (USPN 278341) in view of Arkin (USPN 3829092).

Regarding claim 7, Kelly does not disclose the shaft of the club being telescopic. Arkin discloses a golf club having a shaft includes a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis (See Abstract). One having ordinary skill in the art would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, in order to facilitate storage the golf club.

Regarding claim 8, Arkin discloses a means on the shaft for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration.

Regarding claim 15, Kelly does not disclose the shaft of the club being telescopic. Arkin discloses a golf club having a shaft includes a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis and a means on the shaft for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration (See Abstract). One having ordinary skill in the art would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, in order to facilitate storage the golf club.

4. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (USPN 278341) in view of I Fogarty et al. (USPN 4575078).

Regarding claim 4, Kelly does not disclose the play balls having a fuzzy material. Fogarty discloses a plurality of balls having a fuzzy material (See Summary of the

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Invention). One having ordinary skill in the art would have found it obvious to have ball made of a fuzzy material, as taught by Fogarty et al., in order to prevent damaging the playing surface and balls.

Regarding claim 16, Kelly does not disclose the play balls having a fuzzy material. Fogarty discloses a plurality of balls having a fuzzy material (See Summary of the Invention). One having ordinary skill in the art would have found it obvious to have ball made of a fuzzy material, as taught by Fogarty et al., in order to prevent damaging the playing surface and balls. Furthermore, applicant does not state why it is critical for the target ball to be larger in diameter than the play ball in order to attain the invention. Therefore, one having ordinary skill in the art would have found such to be an obvious matter of desire choice. The target ball of Kelly would perform equally as well because it is distinguished from the other balls within the game.

5. Claims 1-6, 9, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosier et al. (USPN 4244576).

Regarding claim 1, Mosier et al. discloses a kit comprising a play ball 36, a club 62 having a shaft and a club head coupled to a first end of the shaft, and a target 52 for being positioned a selected distance from the club and adapted to be contacted by the play ball during the game (See Figures 6, 8, and 9). Applicant does not disclose why it is critical to have the target on a ball in order to attain the invention. Therefore, based upon inasmuch is defined by the applicant's specification and drawings, element 16 is a target ball.

Regarding claim 2, Mosier et al. discloses the target having a diameter that is larger than the play ball (See Figure 6).

Regarding claim 3, Mosier et al. discloses a plurality of play ball but does not disclose the play balls being different colors from one another (See Column 6, lines 28 through 55). It is common within any art to make a plurality of elements different colors for the other in order to individually distinguish each element; therefore, one having ordinary skill in the art would have been motivate to have the play ball of different color for such reason.

Regarding claim 4, Mosier et al. discloses the play ball including a layer of fuzzy material (See Figure 8).

Regarding claim 5, Mosier et al. discloses the target having a plurality of concentric regions (See Figure 6).

Regarding claim 6, Mosier et al. discloses the target including one of a hook and loop fastener material connected to at least one of the plurality of concentric regions and the play ball including another of a hook and loop fastener material attached to an outer surface thereof (See Figure 8, and Column 6, lines 28 through 55).

Regarding claim 9, Mosier et al. disclose the club head having a first and second club face having a symmetrical configuration (See Figure 9).

Regarding claim 12, Mosier et al. discloses a kit comprising a play ball 36, a club 62 having a shaft and a club head coupled to a first end of the shaft and a club head having a pair of opposed symmetrically club faces, a means for rotating the club head to a desired club face configuration, which are the hands of the user, and a target 52 for

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being positioned a selected distance from the club and adapted to be contacted by the play ball during the game (See Figures 6, 8, and 9). Applicant does not disclose why it is critical to have the target on a ball in order to attain the invention. One having ordinary skill in the art would have found it an obvious matter of design choice. The target disclosed by Mosier et al. would have performed equally as well because it allow the user to observe his or her swing.

Regarding claim 16, Mosier et al. discloses the play ball including a layer of fuzzy material (See Figure 8).

Regarding claim 17, Mosier et al. discloses the target having a plurality of concentric regions wherein the target includes one of a hook and loop fastener material connected to at least one of the plurality of concentric regions and the play ball includes another of a hook and loop fastener material attached to an outer surface thereof (See Figures 6 and 8, and Column 6, lines 28 through 55).

6. Claims 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosier et al. (USPN 4244576) in view of Urquhart (USPN 569438).

Regarding claims 10 and 13, Urquhart discloses a golf club head having adjustable loft angles wherein the club head comprises a hosel, a rod attached to the club face, a hosel spline, and a means to adjust the loft angles (See Page 1 and Figures 1 and 2). It should be noted that the general shape of the golf club head is common within the art of golf. One having ordinary skill in the art would have found it obvious to incorporate the golf club head of Urquhart into that of Mosier et al. in order to allow the user to adjust the loft of the club head to that desired.

Regarding claims 11 and 14, Urquhart discloses a spring means in a hosel bore for biasing the rod toward an engaged configuration wherein the means for moving the rod includes a lever pivotally coupled to the hosel adjacent a free end of the rod for selectively urging the rod toward the releasing configuration.

7. Claims 7, 8, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Mosier et al. (USPN 4244576) in view of Arkin (USPN 3829092).

Regarding claim 7, Mosier et al. does not disclose the shaft of the club being telescopic. Arkin discloses a golf club having a shaft includes a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis (See Abstract). One having ordinary skill in the art would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, in order to facilitate storage the golf club.

Regarding claim 8, Arkin discloses a means on the shaft for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration.

Regarding claim 15, Mosier et al. does not disclose the shaft of the club being telescopic. Arkin discloses a golf club having a shaft includes a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis and a means on the shaft for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration (See Abstract). One having ordinary skill in the art would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, in order to facilitate storage the golf club.

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8. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (USPN 5383665).

Regarding claim 1, Schultz et al. discloses a kit comprising a play ball 18, a club 17 having a shaft and a club head coupled to a first end of the shaft, and a target 16 for being positioned a selected distance from the club and adapted to be contacted by the play ball during the game (See Figure 1). Applicant does not disclose why it is critical to have the target on a ball in order to attain the invention. Therefore, based upon inasmuch is defined by the applicant's specification and drawings, element 16 is a target ball.

Regarding claim 2, Schultz et al. discloses the target ball having a diameter that is larger than the play ball (See Figure 1).

Regarding claim 3, Schultz et al. discloses a plurality of play ball wherein the groups the play balls being different colors from the one group (See Figure 6 and Column 6, lines 56 through 64). It is common within any art to make a plurality of elements different colors for the other in order to individually distinguish each element; therefore, one having ordinary skill in the art would have been motivate to have the play ball of different color for such reason.

Regarding claim 5, Schultz et al. discloses the target having a plurality of concentric regions for indicating point values (See Figure 2).

9. Claims 7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (USPN 5383665) in view of Arkin (USPN 3829092).

Regarding claim 7, Schultz et al. does not disclose the shaft of the club being telescopic. Arkin discloses a golf club having a shaft includes a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis (See Abstract). One having ordinary skill in the art would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, in order to facilitate storage the golf club.

Regarding claim 8, Arkin discloses a means on the shaft for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration.

10. Claim 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (USPN 5383665) in view of Urquhart (USPN 569438).

Regarding claim 10, Urquhart discloses a golf club head having adjustable loft angles wherein the club head comprises a hosel, a rod attached to the club face, a hosel spline, and a means to adjust the loft angles (See Page 1 and Figures 1 and 2). It should be noted that the general shape of the golf club head is common within the art of golf. One having ordinary skill in the art would have found it obvious to incorporate the golf club head of Urquhart into that of Schultz et al. in order to allow the user to adjust the loft of the club head to that desired.

Regarding claim 11, Urquhart discloses a spring means in a hosel bore for biasing the rod toward an engaged configuration wherein the means for moving the rod includes a lever pivotally coupled to the hosel adjacent a free end of the rod for selectively urging the rod toward the releasing configuration.

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11. Claims 4, 6, 9, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (USPN 5383665) in view of Mosier et al. (USPN 4244576).

Regarding claim 4, Schultz et al. does not disclose having a fuzzy material on the play. Mosier et al. discloses a play ball having a fuzzy material thereon. One having ordinary skill in the art would have found it obvious to have a fuzzy material thereon in order to allow the play ball to adhere to the target.

Regarding claim 6, Mosier et al. discloses the target including one of a hook and loop fastener material connected to at least one of the plurality of concentric regions and the play ball including another of a hook and loop fastener material attached to an outer surface thereof (See Figure 8, and Column 6, lines 28 through 55).

Regarding claims 9 and 12, Schultz et al. discloses a kit comprising a play ball 18, a club 17 having a shaft and a club head coupled to a first end of the shaft and a club head having a pair of opposed symmetrically club faces, a means for rotating the club head to a desired club face configuration, which are the hands of the user, and a target 16 for being positioned a selected distance from the club and adapted to be contacted by the play ball during the game (See Figure 1). Applicant does not disclose why it is critical to have the target on a ball in order to attain the invention. Therefore, based upon inasmuch is defined by the applicant's specification and drawings, element 16 is a target ball. Mosier et al. inherently discloses a club head having a pair of opposed symmetrically club faces (See Figure 9). One having ordinary skill in the art

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would have found it obvious to substitute the club of Mosier et al. for the club of Schultz et al. in order to accommodate left and right handed players.

Regarding claim 16, Mosier et al. discloses the play ball including a layer of fuzzy material (See Figure 8).

Regarding claim 17, Mosier et al. discloses the target having a plurality of concentric regions wherein the target includes one of a hook and loop fastener material connected to at least one of the plurality of concentric regions and the play ball includes another of a hook and loop fastener material attached to an outer surface thereof (See Figures 6 and 8, and Column 6, lines 28 through 55).

12. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (USPN 5383665) in view of Mosier et al. (USPN 4244576) further in view of Urquhart (USPN 569438).

Regarding claim 13, Schultz et al. in view of Mosier does not disclose the club head being adjustable. Urquhart discloses a golf club head having adjustable loft angles wherein the club head comprises a hosel, a rod attached to the club face, a hosel spline, and a means to adjust the loft angles (See Page 1 and Figures 1 and 2). It should be noted that the general shape of the golf club head is common within the art of golf. One having ordinary skill in the art would have found it obvious to incorporate the golf club head of Urquhart into that of Schultz et al. in order to allow the user to adjust the loft of the club head to that desired.

Regarding claim 14, Urquhart discloses a spring means in a hosel bore for biasing the rod toward an engaged configuration wherein the means for moving the rod

includes a lever pivotally coupled to the hosel adjacent a free end of the rod for selectively urging the rod toward the releasing configuration.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (USPN 5383665) in view of Mosier et al. (USPN 4244576) further in view of Arkin (USPN 3829092).

Regarding claim 15, Schultz et al. in view of Mosier et al. does not disclose the shaft of the club being telescopic. Arkin discloses a golf club having a shaft includes a first shaft portion defining a longitudinal axis and a second shaft portion telescopically received in the first shaft portion and movable along the longitudinal axis and a means on the shaft for selectively holding and releasing the first and second shaft portions at a selected telescopic configuration (See Abstract). One having ordinary skill in the art would have found it obvious to incorporate a telescoping shaft, as taught by Arkin, in order to facilitate storage the golf club.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAN

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